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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 vs.

15 HAROLD DAVID SOBEL,

16 Defendant.

17 CASE NO.: 2:21-cr-00235-APG-EJY

18 **Stipulation to Continue Sentencing and
19 Proposed Order
(First Request)**

20 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
21 United States Attorney for the District of Nevada, and Mina Chang, Assistant United States
22 Attorney, and Gustav W. Eyler, Director, and Meredith B. Healy and Wei Xiang, Trial
23 Attorneys, U.S. Department of Justice, Consumer Protection Branch, counsel for the United
24 States of America, and Jacqueline Tirinnanzi and Kathleen Bliss, counsel for Harold David
25 Sobel, that the sentencing hearing currently scheduled for October 12, 2022 at 9:30 a.m. (ECF
26 No. 53) is continued for at least three weeks, to a date and time convenient to this Court, which
27 this Court has indicated as November 3, 2022. This stipulation is made and based upon the
28 following:

- 29 1. Mr. Sobel was indicted on August 24, 2021 with conspiracy (count one) in violation of 18
30 U.S.C. § 371 and false statement to a bank (counts two and three) in violation of 18 U.S.C.
31 § 1014. (ECF No. 14.)
- 32 2. Mr. Sobel entered a change of plea on July 14, 2022, pleading guilty to one count of
33 conspiracy to commit bank fraud in violation of 18 U.S.C. §§ 1349 and 1344(1). (ECF No.
34 53).

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- 1 3. Counsel for Mr. Sobel were recently in Reno preparing and attending a trial during the
- 2 first half of September 2022 and require additional time to review relevant materials and
- 3 continue meeting with Mr. Sobel in preparation for sentencing.
- 4 4. The parties agree to at least a three-week continuance of the original sentencing date,
- 5 currently scheduled for October 12, 2022 at 9:30 a.m. (EF No. 53). This Court has
- 6 indicated November 3, 2022 as a convenient date to reschedule the sentencing hearing.
- 7 Said date is also amenable for government counsel, some of whom will travel to Las
- 8 Vegas from Washington, D.C.
- 9 5. Mr. Sobel remains in custody at the Nevada Southern Detention Center in Pahrump,
- 10 Nevada and does not oppose this continuance.
- 11 6. The additional time requested herein is sought in good faith and not for purposes of delay.
- 12 7. This is the first stipulation to continue the sentencing hearing.
- 13 8. The additional time requested by this stipulation is reasonable pursuant to Fed. R. Crim. P.
- 14 32(b)(2), which states that the “court may, for good cause, change any time limits
- 15 prescribed [for sentencing] in this rule.” Furthermore, a delay in sentencing does not
- 16 implicate or undermine the defendant’s speedy trial rights under the United States
- 17 Constitution, which terminated upon conviction. *See Betterman v. Montana*, 136 S.Ct.
- 18 1609, 1617-18 (2016).
- 19 9. Denial of this request for continuance would deny counsel for Mr. Sobel sufficient time to
- 20 effectively and thoroughly prepare for sentencing, taking into account due diligence.
- 21 Accordingly, a denial of this request for continuance could result in a miscarriage of
- 22 justice.

24 Dated this 4th day of October, 2022.

26 JASON M. FRIERSON
27 United States Attorney

28 By /s/ Mina Chang

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1 MINA CHANG
2 Assistant United States Attorney

3 GUSTAV W. EYLER
4 Director, Consumer Protection Branch
5 U.S. Department of Justice

6 By /s/ Meredith Burns Healy
7 MEREDITH BURNS HEALY
Trial Attorney

8 By /s/ Wei Xiang
9 WEI XIANG
Trial Attorney

10 /s/ Jacqueline Tirinnanzi
11 JACQUELINE TIRINNANZI, ESQ.
12 Counsel for Harold David Sobel

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

CASE NO.: 2:21-cr-00235-APG-EJY

Plaintiff,

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER

vs.

HAROLD DAVID SOBEL,

Defendant.

FINDINGS OF FACT

Based on the pending stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Mr. Sobel was indicted on August 24, 2021 with conspiracy (count one) in violation of 18 U.S.C. § 371 and false statement to a bank (counts two and three) in violation of 18 U.S.C. § 1014. (ECF No. 14.)
2. Mr. Sobel entered a change of plea on July 14, 2022, pleading guilty to one count of conspiracy to commit bank fraud in violation of 18 U.S.C. §§ 1349 and 1344(1). (ECF No. 53).
3. Counsel for Mr. Sobel were recently in Reno preparing and attending a trial during the first half of September 2022 and require additional time to review relevant materials and continue meeting with Mr. Sobel in preparation for sentencing.
4. The parties agree to at least a three-week continuance of the original sentencing date, currently scheduled for October 12, 2022 at 9:30 a.m. (EF No. 53). This Court has indicated November 3, 2022 as a convenient date to reschedule the sentencing hearing. Said date is also amenable for government counsel, some of whom will travel to Las Vegas from Washington, D.C.
5. Mr. Sobel remains in custody at the Nevada Southern Detention Center in Pahrump, Nevada and does not oppose this continuance.
6. The additional time requested herein is sought in good faith and not for purposes of

1 delay.

2

3 7. This is the first stipulation to continue the sentencing hearing.

4 8. The additional time requested by this stipulation is reasonable pursuant to Fed. R.

5 Crim. P. 32(b)(2), which states that the “court may, for good cause, change any time

6 limits prescribed [for sentencing] in this rule.” Furthermore, a delay in sentencing

7 does not implicate or undermine the defendant’s speedy trial rights under the United

8 States Constitution, which terminated upon conviction. *See Betterman v. Montana*,

9 136 S.Ct. 1609, 1617-18 (2016).

10 9. Denial of this request for continuance would deny counsel for Mr. Sobel sufficient

11 time to effectively and thoroughly prepare for sentencing, taking into account due

12 diligence. Accordingly, a denial of this request for continuance could result in a

13 miscarriage of justice.

14 **ORDER**

15 Based upon the stipulation of the parties, and good cause appearing, it is hereby

16 ORDERED that Mr. Sobel’s sentencing hearing currently scheduled for October 12, 2022, at 9:30

17 a.m., be VACATED.

18 IT IS FURTHER ORDERED that the sentencing hearing is reset for November 3, 2022

19 at the hour of 1:30 p.m. in Courtroom 6C before Judge Andrew P. Gordon.

20 DATED: October 5, 2022

21 
22 THE HONORABLE ANDREW P. GORDON
23 UNITED STATES DISTRICT JUDGE